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December 6, 2021

The Honorable Leonard P. Stark
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *EIS, Inc. v. WOW Tech International GmbH, et al.*
C.A. No. 19-1227 (LPS)

Dear Judge Stark:

We represent Plaintiff EIS, Inc. (“EIS”), in this action. EIS filed a motion for a temporary restraining order and preliminary injunction late on Friday night, December 3. D.I. 139-40. The motion relates to arrangements Defendants made to have EIS’s products taken down from Amazon.com based on charges of infringement of one of the patents in this case just after the Thanksgiving weekend during the busiest shopping season of the year. Defendants did not advise EIS of its proceedings with Amazon. Amazon informed EIS of the take down last week.

On Friday, before filing the motion, we communicated with Defendants’ counsel three times about the forthcoming motion and a briefing schedule. Although they declined to get on the phone with us, they responded by email. As to the motion, Defendants’ counsel stated that the Defendants never agreed “that the District of Delaware has the sole and exclusive jurisdiction over all disputes between the parties.” Although this Court may not have jurisdiction over everything, it certainly has jurisdiction over the infringement and unfair competition issues in this case. As to a briefing schedule, they responded that Defendants “would decid[e] for [them]selves the urgency” of the motion and “would be opposed to an expedited briefing schedule.”

Under the circumstances, and due to the irreparable harm to EIS currently occurring and December being a busy sales month, EIS requests an expedited briefing schedule and hearing on its motion. We are available for a telephone conference today or tomorrow if Your Honor has time to hear us.

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Respectfully,

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

JB/bac

cc: All Counsel of Record (via electronic mail)